THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14839 of 2006

Dated:09.10.2007

Between

Anantha Paryavaram Parirakshana
Sammithi (APPS) Revenue Colony,
D.No.13-375,Anantapur, rep. By
Its President Sri V.Kristappa

..Petitioner

and

1. The Assistant Commissioner of Labour
Anantapur, Anantapur District and others.

…Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

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ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents 1 and 2 in passing the order *vide* R.C.No.B/836/05, dated 1.9.2005 as arbitrary and illegal and contrary to principles of natural justice.

It appears that 3rd respondent filed an application to 1st respondent-Assistant Commissioner of Labour, Anantapur stating that the petitioner has to pay an amount of Rs.81,820/- towards wages and other benefits.

The 1st respondent *vide* letter dated 1.9.2005 directed the petitioner to deposit the said amount, failing which the same will be recovered under Revenue Recovery Act. The

impugned order reveals that the dates of meeting were fixed on 9.8.2005, 18.8.2005, 27.8.2005 and 31.8.2005 but the petitioner did not attend the same. Therefore, the impugned order was passed as under:

> "It is to inform you that you have not attended the meeting on 9.8.2005, 18.8.2005, 27.8.2005, and 31.8.2005 to solve the dispute between you and the workman G.Sanjeevarayudu.
>
> On 31.8.2005 the workman informed through this representation with annexure (copy enclosed) that you are due to him a tune of Rs.81,820/- and requested this office for taking further course of action.
>
> Hence you are directed to deposit an amount of Rs.81,820/- (Rupees eighty one thousand eight hundred and twenty only) to this office by way of demand draft in the name of Assistant Commissioner of Labour, Anantapur drawn on State Bank of India, Anantapur within thirty days from the date of receipt of this letter failing which the same will be recovered under R.R.Act."

Learned counsel for the petitioner submitted

that the petitioner has received notice but due to some unavoidable circumstances, he did not attend the meeting conducted by the 1st respondent-Assistant Commissioner of Labour and that 1st respondent could not have accepted the representation dated 31.8.2005 and passed an order without furnishing any reasons before examining as to the eligibility of 3rd respondent.

There is no necessity to go into all the details.

From a reading of the impugned order, it is seen that the provision under which the representation of 3rd respondent dated 31.8.2005 was entertained, whether the amount due is non payment of back wages or difference of wages etc have not been furnished. Further, how 3rd respondent-workman is entitled for the amount of Rs.81,820/- and how workers were notified and what is their designation, were also not mentioned in the impugned order.

I am of the opinion that the 1st respondent-Assistant Commissioner of Labour has not applied his mind while dealing with the matter and passed

the impugned order without furnishing any reasons whatsoever. Therefore, the impugned order does not stand the scrutiny of law and as such liable to be set aside.

Accordingly, the writ petition is allowed, the impugned order is set aside and the matter is remanded to 1st respondent-Assistant Commissioner of Labour for reconsideration of the representation purported to have been filed by 3rd respondent on 31.8.2005 after putting the petitioner on notice. The petitioner is at liberty to file a detailed counter to the representation dated 31.8.2005. After hearing both the parties, 1st respondent shall dispose of the same within a period of eight weeks from the date of receipt of the copy of this order. However, the petitioner shall pay costs of Rs.1000/- and the same shall be deposited to the account of the Legal Services Authority within two weeks from today. No costs.

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09-10-2007

rkk